IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4972 of 2005

Between:

A. Murali, E-303830, Driver, Jaggaiahpet Depot S/o RK. Murthy
r/o Jaggaiahpet, Krishna District

..... PETITIONER

AND

The APSRTC rep by Depot manager,

Jaggaiahpet Depot, Krishna District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondent herein in suspending the petitioner vide Proc No: 01/2(2)/2005-JPT, dt 3-3-3005 without holding enquiry as prescribed in the circular instructions as such liable to be set a side the interest of justice and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the admission stage made the following:

ORDER:

Challenging the suspension order of the petitioner, vide proceedings No.01/2(2)/2005-JPT, dated 03.03.2005, without holding enquiry as prescribed in the Circular No. PD 43/86, dated 16.04.1986, the present writ petition is filed.

For causing an accident on 18.02.2005 at about 19.00 hrs., which resulted in death of motor cyclist Pabbathi Nageswarao, aged 28 years, on the spot, the petitioner was placed under suspension. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contended that as per the Circular No. PD 43/86, dated 16.04.1986, preliminary enquiry has to be conducted by the Unit Officer along with neighbouring Depot Manager, and thereafter only, the employee has to be placed under suspension. In this case, as the Unit Officer along with neighbouring Depot Manager did not conduct any enquiry, the impugned proceedings suffers from serious legal infirmities, and hence, he prays to set aside the impugned proceedings.

On the other hand, the learned standing Counsel, appearing for the respondents, contended that it is only suspension pending enquiry. The petitioner as well submits his explanation and the suspension order do not suffer from any legal infirmities so as to call for interference by this Court.

For causing an accident on 18.02.2005, while driving the bus bearing No.AP10Z-8795, the petitioner was placed under suspension. In the said accidence one Pabbathi Nageswarao, motor cyclist, aged 28 years, died.

The learned counsel for the petitioner, relying on the Circular No. PD 43/86, dated 16.04.1986, contended that the Unit Officer along with neighbouring Depot Manager should conduct a preliminary enquiry to place an employee under suspension.

This is only circular instruction, but not have any statutory force. In causing accident, the petitioner was rightly suspended. It is only the suspension pending enquiry. Therefore, I see no ground to set aside the impugned order. However, the respondents shall complete the enquiry against the petitioner in accordance with rules and regulations, within a period of 2 (two) months from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 14.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager,

APSRTC, Jaggaiahpet Depot,

Krishna District

2. Two CD copies